



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General

8 March 2017

English only

**Committee on the Elimination of Discrimination
against Women**

Sixty-sixth session

Summary record of the 1489th meeting

Held at the Palais des Nations, Geneva, on Friday, 24 February 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

*Combined initial to third periodic reports of the Federated States of Micronesia
(continued)*

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined initial to third periodic reports of the Federated States of Micronesia (continued) (CEDAW/C/FSM/1-3; CEDAW/C/FSM/Q/1-3 and Add.1)

1. *At the invitation of the Chair, the delegation of the Federated States of Micronesia took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Walter** (Federated States of Micronesia) said, with regard to education, that some children in Kosrae had experienced a one-year delay in starting school owing to infrastructure and staffing limitations. She was happy to report, however, that responsibility for school and health infrastructure was now in the hands of the states, which received funding for health and education under the Compact of Free Association with the United States of America. Schools must be accredited and teachers must be certified. Hence, the education-related problems that had existed in Kosrae had been resolved. With regard to efforts to reduce high teenage pregnancy rates, the Department of Health and Social Affairs had specific programmes in communities and schools that organized discussions with students and parents on reproductive health and family planning issues.
3. **Ms. Verges** said that the State party's assurances regarding the withdrawal of its reservations to the Convention were evidence of its commitment to meet its obligations. While the Constitution and the National Government Public Service System Act prohibited discrimination against women, it appeared that those laws were not being adequately enforced. Moreover, while the State of Pohnpei had a law against sexual harassment, there was no nationwide law applicable to all four states. Maternity leave was not yet guaranteed in Kosrae, and only Pohnpei had legislation on equal pay for work of equal value. In that connection, she wished to remind the State party that its obligations under the Convention should be respected in all states.
4. She would like to know what measures were in place to protect women domestic workers, what steps were being taken to improve the employability of women and to combat stereotypes in that regard, and what was being done to reduce the high rates of unemployment in Chuuk and Kosrae. She would also appreciate updated statistics on employment and unemployment, as the figures in the State party's report (CEDAW/C/FSM/1-3) dated back to 2010. She was pleased to note from those figures that the differences in employment levels between men and women were minimal, and she commended the attention accorded to persons with disabilities in the State party's national employment policy.
5. **Ms. Walter** (Federated States of Micronesia) said that both the national and the state Constitutions prohibited discrimination against women in employment, as did the Public Service System Act. Any woman who felt she had been the victim of discrimination could file a complaint. Only the national Government had enacted a law on paid maternity leave, but national authorities were working with state authorities to ensure the passage of similar legislation at the state level. Unemployment was indeed very high in some parts of the country. The Government was working through the education and other sectors to highlight income-generating activities, such as agriculture, that represented alternatives to salaried employment. It was also promoting higher levels of education for women in order to enhance their employment opportunities. A programme in the education sector sought to assist persons with disabilities in finding jobs in the private sector. She was unable to provide updated statistics on unemployment. Data collection was a major challenge for the Government, but it would strive to improve its capacity in that regard before the time came to submit its next periodic report.
6. **Ms. Rana** said that her country's experience had shown that affirmative policies were needed to create an environment conducive to women's career advancement and to more equitable sharing of domestic chores between men and women. Did the State party

have, or did it plan to introduce, any affirmative action plans or policies to increase women's access to employment and senior positions?

7. **Ms. Jahan** said that she would welcome an update on the status of the workplace sexual harassment bill mentioned in the State party's replies to the list of issues (CEDAW/C/FSM/Q/1-3/Add.1, para. 39). As the State party had taken significant steps towards ensuring that women in all states had access to paid maternity leave, it should soon be in a position to withdraw its reservation to article 11 (2) (b) of the Convention.

8. **Ms. Walter** (Federated States of Micronesia) said that measures conducive to the employment of women included the maternity leave law passed by the national Government, which had set a good example for the states. With regard to sexual harassment, women were able to file complaints in court under laws currently on the books. The matter was a sensitive one, but an increasing number of women were coming forward to assert their rights when they felt they had been victims of discrimination or unfair treatment.

9. **Ms. Manalo** said that it was her understanding that the State party's data on maternal mortality were incomplete, as many maternal deaths were not reported, especially when women gave birth at home. Moreover, the case definition of maternal death seemed to be restricted to direct maternal deaths; it did not take account of pregnant women who died from indirect causes such as tuberculosis. She would like to know whether the State party had a strategic plan to reduce maternal mortality and morbidity; if not, she would strongly suggest that such a plan should be drawn up. The State party did not seem to have a sexual and reproductive health policy that would help raise awareness of the importance of family planning, increase access to contraceptives and ensure that all women had access to reproductive health services without discrimination. She wished to know how the State party intended to make sexual and reproductive health services, including antenatal, delivery and postnatal care, available to all women, including those who lived on the outer islands.

10. She understood that abortion was illegal in the State party, except where it was deemed necessary to save the life of the mother. There were no safe and legal abortion facilities to serve women who wished to terminate a pregnancy because, for example, it was the result of rape. She was particularly concerned about illegal abortions among adolescents, which doubtless contributed to the high rates of maternal mortality in that age group. She wondered what steps were being taken to prevent unsafe abortion and whether there were any plans to legalize the procedure.

11. **Ms. Walter** (Federated States of Micronesia) said that the Department of Health and Social Affairs was working to establish more clinics in remote places in order to ensure access to antenatal care and other reproductive health services. On remote islands, especially in Chuuk and Yap, it was setting up telecommunications links with hospitals on the larger islands so that local health-care practitioners could consult medical experts when needed. The Department had programmes for young mothers, which distributed contraceptives in high schools and colleges. Unfortunately, the Government had been informed in early 2017 that the assistance it had been receiving from donor partners for that purpose would no longer be available, but it would nevertheless continue its efforts to extend reproductive health services to women on the outer islands.

12. Any maternal death, whether due to abortion or another cause, would be known to the public in the community where it occurred and a death certificate would be drawn up. It was true that abortion was allowed only in life-or-death situations. Abortion among young women was rare. Children were highly valued, and young mothers knew that if they were unable to care for their children, their extended families would do so. Families also frequently helped with childcare so that young mothers could return to school.

13. **Ms. Manalo** said that the current situation in the State party did not allow women to fully enjoy the health-related rights to which they were entitled under the Convention. She wished to know what actions the State party intended to take to change that situation.

14. **Ms. Walter** (Federated States of Micronesia) said that the Government was working hard to establish reliable clinics so that women in remote locations would have easy access to health care, which had not been the case in the past. It was also using technology to

enable health facilities on remote islands to communicate with hospitals on the main islands in the event of an emergency. The national Government also worked with state authorities to assist them in providing services in remote places.

15. **Ms. Arocha Domínguez** said that it was understandable that a small State consisting of many islands would face difficulties in implementing policies and plans to advance the rights of women. Nonetheless, it had a responsibility as a State party to uphold the rights enshrined in the Convention. It appeared that women in the State party were active participants in the labour force, but the Committee lacked data to enable it to assess the extent to which women might be at a disadvantage with respect to men in relation to employment. She wished to know whether women had access to bank loans on an equal footing with men, not just from a legal standpoint but in actual practice. For example, did women have more trouble than men in providing the collateral needed to obtain a loan? She would welcome information on the number and amounts of bank loans extended to women in the recent past. She would also be interested in hearing more about the Women in Business Network mentioned in the State party's report. In particular, had there been any assessment of the Network's impact? If so, how many women had benefited? Was the Network still operating?

16. She would like to know whether there were any special credit facilities or other forms of assistance for specific groups of women such as women heads of household, older women who lived alone, women with disabilities or women who cared for persons with disabilities. She would also like information about women's participation in sports in the State party. In particular, she wondered whether there were any women who were high-performance athletes and, if so, how their situation compared with that of their male counterparts. Lastly, she asked whether any studies had been conducted to measure the time spent by women and by men performing domestic tasks.

17. **Ms. Walter** (Federated States of Micronesia) said that commercial loans were available from only two banks and that the Banking Board oversaw lending practices. Banks required collateral from anyone applying for a loan. Women who were qualified could receive loans to start businesses. Through the Women in Business Network, some women had participated in training events in other South Pacific countries and had then returned to establish successful businesses. She did not have data on assistance provided to women with disabilities. There was no gender disparity in sports. In response to the rising incidence of non-communicable diseases in the region, the Government was promoting participation in sports as a means of improving the health of young people of both sexes.

18. **Ms. Arocha Domínguez** said that the State party should develop its capacity to collect data, not only for the Committee's purposes but also for the State's own planning and priority-setting. It might wish to seek assistance from its international donor partners for that purpose.

19. **Ms. Jahan**, noting that 20 per cent of households in the State party were headed by women, asked whether any studies had been carried out to ascertain why the proportion was so large. Was it because of outmigration by men? She would like to know what protection or social safety net was available to older women, especially those in rural settings. She understood that there was a family-based social welfare system in the State party, but with the gradual erosion of family structure older women might be left on their own.

20. **Ms. Walter** (Federated States of Micronesia) said that she did not have data on households headed by women, but she could confirm that there was considerable outmigration to Hawaii and Guam for purposes of education or employment. However, many of those who migrated sent remittances back to help their families.

21. Data were being collected at the state level, but there was not a good system in place to compile the information at the national level. However, the Government was well aware of the importance of data collection for identifying advances and deficiencies.

22. **Ms. Jahan** said that the Committee was aware that the majority of women in the State party lived in rural areas and outlying islands, which created major challenges for the delivery of health care and other services. Educational opportunities for girls were limited because they were expected to perform domestic chores. Moreover, rural women were

subject to multiple forms of discrimination, including gender-based violence. She wondered whether the National Strategic Development Plan called for any specific action to address the structural problems and inherent challenges facing rural women and women living on outlying islands. Could the delegation provide an update on the efforts to extend Internet access to residents of the outer islands? Did those efforts incorporate a gender perspective?

23. It would be useful to know whether the State party had taken any special legislative measures to ameliorate the situation of rural women and women on the outer islands and to promote their substantive equality. In particular, she asked what steps had been taken or were envisaged in the framework of the Sustainable Development Goals to implement gender-sensitive agricultural and rural development policies and promote rural women's full equality in access to education, health care, credit, social protection and other areas, including through the adoption of temporary special measures. She would also welcome information on what was being done to promote rural women's political empowerment and increased participation in local decision-making bodies.

24. The State party's report indicated that justice in rural areas consisted mainly of customary reconciliation processes. However, experience had shown that such processes were often disadvantageous to women. The report also indicated that most offenders walked the streets freely, owing to the limited capacity of law enforcement. What was being done to rectify that situation of impunity?

25. She commended the State party on its ratification of the Convention on the Rights of Persons with Disabilities and encouraged it to incorporate a gender perspective into any legislation that it enacted to implement that Convention. In that connection, she would appreciate an update on the status of the National Disability Policy 2009-2016.

26. **Ms. Haidar** said that the State party was to be commended for being one of the first Pacific island nations to adopt a policy on disaster risk management and climate change. She wished to know whether the policy had an explicit gender component and whether women, especially those in rural areas and on outlying islands, had participated in its development. The disproportionate impact of disasters and climate change on women and girls could exacerbate existing gender inequalities. Did the policy take that into account? Did it also take into account the specific needs of highly vulnerable populations, such as the elderly and persons with disabilities, not just with regard to disaster response but also mitigation? She would be interested to know to what extent the policy built on the coping mechanisms and traditional knowledge of local communities and would appreciate an update on what action had been taken since the policy's adoption in 2013. In particular, she would welcome information on any best practices that had been identified.

27. **Ms. Walter** (Federated States of Micronesia) said that rural women could seek redress in the municipal court system if they were victims of violence or discrimination. Legal services were available to citizens at no cost. Outreach activities were conducted to inform people in remote areas of their right to seek such assistance. Women, including those from remote areas, came together regularly at the state level to discuss areas in which they felt they were not receiving equal treatment.

28. The Government was doing its best to establish and improve community health services in remote places. It had made significant headway in Kosrae, Pohnpei and Yap. The situation in Chuuk was more difficult because the islands were spread over a wide area and the seas were often rough. Nevertheless, establishing remote clinics in Chuuk was a priority for 2017. Progress had been made in extending communications technology to remote places, but more remained to be done, especially in Chuuk. The Government's goal was to make such technology available on all the outermost islands. The head of the national government unit responsible for overseeing the implementation of the policy on climate change was a woman, and women were encouraged to take part in the national dialogues on the issue.

29. **Ms. Oliver** (Federated States of Micronesia) said that the period covered by the National Disability Policy had ended in 2016. The Government had just begun to formulate an updated disability policy to replace it. The new policy would indeed incorporate a gender perspective. Women, including those in rural and remote areas, were encouraged to participate in workshops on climate change, and many had done so.

Articles 15 and 16

30. **Ms. Schulz** said that, while the State party's legislation ensured equality before the law, implementation remained an issue, as traditional practices continued to give greater power to men than to women. Withdrawing the blanket reservation to article 16 of the Convention would mark an important step forward for the State party. The information contained in paragraphs 219 to 234 of the State party's report highlighted the need to address various forms of discrimination. She would be interested to know the Government's position on the unification of the age of marriage in all four states at 18 for both women and men, and the compulsory registration of marriage, without exemptions. She also wished to know more about the effect of customary marriage on women's rights, and whether customary marriage contracts superseded statutory law; for instance, was bigamy permitted under such contracts, even though it was criminalized under the Pohnpei law?

31. She asked how the Government planned to address the inequalities between spouses in the ownership, acquisition, management, enjoyment and disposition of property, including land. Noting that, according to the State party's report, the whole community was responsible for the care of women, children and all members of the family following a divorce, she asked whether priority was given to the cultural obligation or the legal obligation to provide maintenance. Were there any plans to develop guidance to help judges properly assess the situation, including the respective earning capacities of both spouses, the commitments and needs of the parties and a calculation of women's non-financial contributions? Given that the grounds for divorce provided for under current legislation could have discriminatory effects, with women often finding it difficult to prove fault on the husband's part, she wondered whether there were any plans to introduce divorce by mutual agreement. She would welcome assurances that the system of pardon was not used to cover up the violation of women's rights, particularly in cases of domestic violence. For example, if a woman was obliged to remain in the marital home with a violent husband due to poverty, how could she prove that she had not pardoned him? Were judges sensitized to the need to avoid systematically pushing for reconciliation, since that could reduce women's autonomy to leave a relationship?

32. Expressing concern that in Yap and Kosrae inheritance and interstate succession were determined by custom and that the matrilineal system under which land rights were acquired thus did not protect women because it was not enshrined in law, she asked how the rights of women were ensured in that domain. While the Committee understood the complexity of the federal system, it was important to recognize the need for some issues to be transferred from the state to the federal level and for others to remain the responsibility of the states, but with mechanisms to ensure the protection of fundamental rights in all parts of the country.

33. **Ms. Walter** (Federated States of Micronesia) said that the national and state Constitutions strongly reinforced civil rights.

34. **Mr. Bacalando** (Federated States of Micronesia) said that, although domestic and family matters fell under the jurisdiction of the states, the national Government still had the obligation to ensure that the states complied with certain standards which the country had undertaken to uphold, including the Convention. The minimum marriage age was established in state legislation; the dialogue with the states would be pursued in order to make progress in standardizing the age requirement across all state laws. In order for a marriage to be registered by the civil authorities, the couple must first apply for a marriage licence. However, traditional marriages in the communities might not be captured by statistics because they were not required to be registered. Although that could theoretically give rise to the risk of bigamy or child marriage, in practice, because the population was so small and people knew each other, the communal view that child marriage was unacceptable and should not be tolerated created an environment that discouraged such marriages even though they would not necessarily be known to the authorities.

35. The states had a very important role to play in shaping the rules that would govern the distribution of property following divorce, as there was currently no national legislation on the matter. There was certainly room for improvement in that area. With regard to

pardons in cases of gender-based violence, the Attorney-General's Office had adopted a policy whereby cases involving violent crimes were pursued if there was sufficient evidence to support a prosecution, even if the offender had been pardoned by the victim, for example through a customary settlement. With regard to measures to ensure the protection of women's rights, public awareness was key. With the introduction of modern technologies and greater exposure to foreign cultures, the population was gaining a growing understanding of individual rights and women's rights. The national Government, in cooperation with NGOs and legal services, was conducting awareness-raising campaigns to educate the public, including in the outer islands. Those efforts would be pursued, although the Government was, of course, aware that that was not the whole solution to the problem.

36. **Ms. Schulz** said that while it was important that people should know their rights, non-discriminatory laws must also be in place to ensure that those rights were respected.

37. **Mr. Bacalando** (Federated States of Micronesia) said that there were no legislative provisions on the division of marital property or the payment of child maintenance following divorce; such matters were determined by a judge based on principles established by case law in each of the four states. That case law reflected the views of the community as to what support and property division arrangements were acceptable, and it was not unusual for the case law of one state to differ from that of another. Although recourse to reconciliation could, in theory, give rise to the risk that women might be forced to stay in a relationship, such matters were decided on by judges with extensive experience of state law, exercising a degree of discretion and taking into account the best interests of the divorcing spouses and the children. Any judge who discovered that an apparent reconciliation was in fact the result of some form of deceit or a power imbalance would have to take steps to address the issue. Although there might be room for improvement, that system had worked well in the past.

38. **Ms. Manalo** said that she was concerned at the tendency to maintain the status quo and to accept the idea that if a judge had always ruled in a particular way, that was how it would remain. What role did the Convention play in such a system? How could a judge inject the principles of the Convention into the process of interpreting the law? Could case law that was not in line with the Convention be disregarded? With regard to the country's climate change strategy, she stressed the importance of incorporating a human rights-based approach and equality provisions inspired by the Convention.

39. **Ms. Walter** (Federated States of Micronesia) said that the State party took such issues very seriously. Although there might appear to be a tendency to follow the same patterns as in the past, real efforts were being made to develop a way forward and address gender issues under the Convention. Further information would be provided in writing.

40. **Ms. Chigiyal** (Federated States of Micronesia) thanked the Committee for the spirit in which it had conducted the review and for its constructive comments and recommendations. Although there might be an impression of stagnancy, much was being done to advance the interests of women in the country. Efforts had focused particularly on women's participation in decision-making, but would be expanded to other areas. Data collection was a weakness, but the value of statistics for the development of sound policies was clear, and steps would be taken to advance in that area.

41. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.40 p.m.